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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

KEVIN SO, ) Case No. CV 08-03336 DDP (AGRx)  
)  
Plaintiff, ) **ORDER GRANTING LEAVE TO FILE**  
) **SECOND AMENDED COMPLAINT**  
)  
v. ) [Motion filed on June 12, 2009]  
)  
LAND BASE, LLC; UNIVEST )  
FINANCIAL SERVICES, INC.; )  
BORIS LOPATIN, individually )  
and d/b/a BORIS LOPATIN )  
ASSOCIATES and CHARLES W. )  
WOODHEAD, )  
)  
Defendants. )  
\_\_\_\_\_ )

On June 12, 2009, Plaintiff Kevin So filed his Motion for Leave to file his Second Amended Complaint. Because there has been no opposition to the Motion, and in light of the liberal standard in favor of amendment provided by Federal Rule of Civil Procedure 15, the Court grants the Motion.

Plaintiff noticed his motion to be heard on July 6, 2009. Pursuant to the Local Rules for the Central District of California, opposing papers on the Motion were due on June 22, 2009, fourteen days prior to that scheduled hearing date. C.D. Cal. L.R. 7-9. No

1 opposition had been filed by that date, and as of the date of this  
2 Order, there is still no opposition. Local Rule 7-12 provides that  
3 "[t]he failure to file any required paper, or the failure to file  
4 it within the deadline, may be deemed consent to the granting or  
5 denial of the motion." C.D. Cal. L.R. 7-12. Pursuant to Local  
6 Rule 7-12, the Court treats the failure to oppose the motion as  
7 consent by all served parties the granting of that motion.

8 Federal Rule of Civil Procedure 15(a) reinforces this  
9 conclusion. "The court should freely give leave when justice so  
10 requires." Fed. R. Civ. P. 15(a)(2). In light of the federal  
11 policy favoring the determination of cases on their merits, this  
12 policy is to be applied with "extreme liberality." Eminence  
13 Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1051 (9<sup>th</sup> Cir. 2003).  
14 Factors that may justify denying a Rule 15(a)(2) motion include  
15 undue delay, bad faith, dilatory motive, repeated failure to cure  
16 deficiencies by amendments previously allowed, undue prejudice to  
17 the opposing party by virtue of the allowance of the amendment, and  
18 futility of amendment. Foman v. Davis, 371 U.S. 178, 182 (1962).  
19 "In the absence of any apparent or declared reason," however, "the  
20 leave sought should, as the rules require, be 'freely given.'" Id.

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1 Because So moved to amend within the deadline, he need only  
2 satisfy the liberal Rule 15(a)(2) standard. As there has been no  
3 opposition to his motion, the Court can see no reason leave to  
4 amend should not be granted. Accordingly, the Court grants  
5 Plaintiff leave to file his Second Amended Complaint.

6 IT IS SO ORDERED.

7  
8 Dated: July 10, 2009

  
DEAN D. PREGERSON  
United States District Judge